REMARKS

Claims 35-37 recite the "cDNA" embodiment of Claims 1-33 of the Garner '940 patent. The pending reissue Claims 1-34 recite the "genomic DNA" embodiment of those original claims.

Garner is adding Claims 35-37 to the reissue application contingent on the resolution of an unpatentability Motion now pending in Interference No. 104,242. If Garner's Preliminary Motion No. 2 is denied, i.e., the APJ holds that producing transgenic fibrinogen using cDNA is patentable, then Garner will add these claims to this application. Garner cannot add these claims prior to that decision because it believes the cDNA claims are not patentable.

Claims 35-37 are supported in the reissue application. 35 U.S.C. § 112. This application and the '940 patent recite that the cDNA sequences disclosed in Rixon (Garner Exhibit 22), Chung (Garner Exhibit 23) and Chung (Garner Exhibit 24) can be used to produce biocompetent fibrinogen in the milk of transgenic animals. See, e.g., '940 patent, col. 4, lines 35-40. Both also teach how to prepare that DNA and to inject it into zygotes, how to prepare transgenic animals from these zygotes, and how to produce and recover biocompetent fibrinogen from the milk of those animals. *See, e.g.*, '940 patent, Examples I-IV.

Entry of these amendments, if the recited contingency occurs, is respectfully requested.

Respectfully submitted,

Date: April 1, 1999

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